

Message Text

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62

ACTION L-02

INFO OCT-01 ARA-10 ISO-00 EB-07 COME-00 CIAE-00 INR-07

NSAE-00 RSC-01 TRSE-00 AID-05 /033 W

----- 071170

R 071829Z FEB 75

FM AMEMBASSY SAN SALVADOR

TO SECSTATE WASHDC 7377

INFO AMEMBASSY GUATEMALA

AMEMBASSY MANAGUA

AMEMBASSY SAN JOSE

AMEMBASSY TEGUCIGALPA

UNCLAS SAN SALVADOR 0543

E.O. 11652 - N/A

TAGS: EINV, ES

SUBJ: CALVO CLAUSE AND RELATED PROVISIONS

REF: STATE 024007

GUATEMAL ALSO FOR ROCAP

1. ACCORDING TO A GOES FOREIGN MINISTRY LEGAL CONSULTANT, EL SALVADOR HAS RECOGNIZED THE "CALVO DOCTRINE" CONSTITUTIONALLY SINCE 1886. THE CURRENT CONSTITUTION, ADOPTED IN 1962, CONTAINS THE DOCTRINE IN ARTICLES 19 AND 20. A LITERAL TRANSLATION AND COMMENTARY CONCERNING THESE PROVISIONS, OBTAINED BY THE FOREIGN MINISTRY FROM ITS LEGAL CONSULTANT FOR THE EMBASSY, WHICH SUBMITTED TO L/ARA (CC TO ARA/CEN/ES) UNDER DS-4 DATED

OCT 15, 1974.

2. PROVISIONS IN THE CODIGO CIVIL AND CODIGO DE COMERCIO (CIVIL CODE AND COMMERCIAL CODE) PROHIBIT THIRD-PARTY ARBITRATION OR SETTLEMENT IN FOREIGN COURTS. SHOULD SUCH A PROVISION EXIST IN A CONTRACT IT IS PRESUMED THAT IN THE EVENT OF DISPUTE THE PROVISION WOULD BE DECLARED AS NULL
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SINCE IT WOULD BE IN CONFLICT WITH DOMESTIC LAW.

CAMPBELL

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NNN

Message Attributes

Automatic Decaptioning: X
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Decaption Note:
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Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
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Margaret P. Grafeld
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